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4. On or about August 1, 2003, plaintiff Drury filed in the Superior Court a document entitled Motion to Deny the Removal of Defendants to Federal Court.

5. Notwithstanding the express mandate of 28 U.S.C. § 1446(d) that “the State court shall proceed no further unless and until the case is remanded” by the federal court, the state court scheduled a hearing on plaintiff’s motion for August 25, 2003.

6. The Superior Court Clerk’s Office has advised the undersigned counsel’s office that it has been directed not process the removal until after the Superior Court rules on plaintiff’s motion, and that it will not provide NERC with the requested certified copies of the record until after the ruling.

7. Defendant believed that it would have sufficient time after the August 25 hearing to obtain and file with this Court certified copies of the state court record.

8. At the hearing on August 25, 2003, however, Superior Court Judge John S. McCann advised that it was the policy of the court not to proceed with a hearing on a motion involving a pro se party in the absence of a court reporter, that there was no court reporter available, and that, as a result, the hearing would have to be rescheduled.

9. The hearing on plaintiff’s motion is currently scheduled for September 22, 2003.

10. Despite diligent efforts, defendant NERC has been unable to secure a certified copy of the state court record within the time provided by Local Rule 81.1.

Wherefore, defendant NERC respectfully requests that it be granted an extension of time to file a certified copy of the state court record until 30 days after the Superior Court’s September 22, 2003 hearing, or October 22, 2003.